For the Northern District of California

| UNITED STATES DISTRICT COURT | |
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| NORTHERN DISTRICT OF CALIFORNIA | ١ |

MICHAEL D. ROGERS,

No. C 10-00158 RS (PR)

Petitioner,

ORDER DENYING MOTIONS TO XTEND TIME:

v.

JAMES WALKER, Warden,

ORDER DENYING MOTION TO FILE A SUPPLEMENTAL TRAVERSE

Respondent.

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This closed federal habeas corpus action was filed by a pro se state prisoner pursuant to 28 U.S.C. 2254. The petition was denied, a certificate of appealability ("COA") was denied, and judgment was entered in favor of respondent on January 11, 2012 (Docket Nos. 29 & 30). Petitioner now moves for an extension of time to file a (1) request for a COA, (2) motion for a rehearing, (3) motion for an extension of time to file a supplemental traverse (Docket Nos. 31 & 34).

Petitioner's motion for an extension of time to file a COA is DENIED as moot, the order denying the petition having declined to issue a COA. Petitioner's motion for an extension of time to file a motion for a rehearing, which is construed as a motion for relief under Federal Rule of Civil Procedure ("FRCP") 60, is DENIED as premature, there being as

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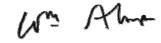
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| yet no filing deadline to extend. A motion for relief under Rule 60 "must be made within a |
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| reasonable time — and for reasons (1), (2), and (3) no more than a year after the entry of |
| judgment or order or the date of the proceeding." FRCP 60(c). Petitioner's motion for an |
| extension of time to file a supplemental traverse is DENIED. Briefing on this petition has |
| long since been completed, and not only did petitioner have an opportunity to file a traverse |
| he in fact did file one (Docket No. 28). The Clerk shall terminate Docket Nos. 31 & 34. |

IT IS SO ORDERED.

Dated: April 30, 2012



WILLIAM ALSUP UNITED STATES DISTRICT JUDGE